

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 20, 1973  
7:00 P.M.

ELECTRIC AUDITORIUM, 301 WEST AVENUE

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Dryden, Binder, Mayor Pro Tem Love,  
Councilmen Lebermann, Friedman, Handcox, Mayor Butler  
Absent: None

The Invocation was delivered by REVEREND WALTER R. ALLEN, Central Christian Church.

RESOLUTION - REAGAN DAY

Mayor Pro Tem Love announced that at a Reagan High School pep rally earlier in the day Councilman Dryden had read and then presented a resolution signed by the Mayor and Council members to Reagan football coach Carroll Lundeen, proclaiming Saturday, December 22, as Reagan Day in Austin and in Houston. He noted that Coach Lundeen was also presented with cuff links as official insignia from the City. He further noted that copies of the resolution were available.

RESOLUTION - LONGHORN FAN

Mayor Pro Tem Love read and then presented a resolution signed by the Mayor and Council members to Dr. Bud Dryden, designating him Number 1, Outstanding Longhorn Fan. He also presented a gift to Dr. Dryden and a plant to Mrs. Evelyn Dryden. Dr. and Mrs. Dryden accepted the presentations and thanked the Council.

RESOLUTION - RETIREMENT OF COL. MURPHY

Mayor Butler read and then presented a resolution signed by the Mayor and Council members to retiring Director of Aviation, Colonel Vance Murphy, citing his exemplary service as Director of Aviation for more than fifteen years. Colonel Murphy accepted the resolution and expressed his thanks.

RESOLUTION - RETIREMENT OF SUPT. PERRY

Councilman Dryden read and then presented a resolution signed by the Mayor and Council members to retiring General Superintendent of Sanitation and Cemetery

Eldred Perry, citing his significant contributions to the city for 32 years. Mr. Perry accepted the resolution and expressed his thanks.

#### RESOLUTION - RETIREMENT OF MR. JORDAN

Councilman Handcox read and then presented a resolution signed by the Mayor and Council members to retiring Director of Building Inspection Dick Jordan, citing his service for more than 37 years as an outstanding municipal employee. Mr. Jordan accepted the resolution and expressed his thanks.

#### RESOLUTION - RETIREMENT OF MR. ROSEN

Mayor Butler read and then presented a resolution signed by the Mayor and Council members to retiring City Treasurer Edward Rosen, citing his significant contributions to the city for more than 36 years. Mr. Rosen accepted the resolution and expressed his thanks. Finance Department Head Bill Harrison also expressed his appreciation to Mr. Rosen.

#### SPECIAL PRESENTATION

Mayor Butler noted that Councilman Lebermann had presented each Council member with a 2-hour parking meter, signifying that the meeting could not last more than two hours.

#### HEARING ON AMENDMENT TO AUSTIN DEVELOPMENT PLAN

At 7:00 P.M., Mayor Butler opened the hearing scheduled for that time on the amendment to the Austin Development Plan. No one appeared to participate in the hearing.

Mayor Pro Tem Love moved the Council close the hearing and direct the administration to amend the plan and adopt the following resolution:

Amendment to Austin Development Plan on an area of approximately 59 acres requested by Mr. Elmer Cullers for a change in the land use designation from Suburban Residential to Commercial Service and Semi-Industrial, located in southeast Austin along Dalton Lane between State Highway #71 and Hergotz Lane - C2-73-1(J).

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,  
Friedman, Handcox, Lebermann  
Noes: None

#### HEARING ON AMENDMENT TO ZONING ORDINANCE-AMENDMENT DENIED

At 7:00 P.M., Mayor Butler opened the hearing scheduled for that time on the amendment to the text of the zoning ordinance, providing that any open carport attached to any building which shall be erected or structurally altered for one-family or two-family residential use shall set back from the front street line a minimum of fifteen feet. Mr. Dick Lillie reported that the Planning Commission

recommended that the ordinance not be amended.

Councilman Handcox moved the Council close the hearing and uphold the recommendation not to amend the ordinance.

The motion to deny the amendment, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,  
Handcox, Lebermann, Mayor Butler

Noes: None

The Mayor announced that the proposed ordinance amendment had been denied.

#### FUNDS FOR STUDENT LEARNING CENTERS

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the City Manager to submit an application to the U.S. Office of Education for a grant under the Emergency School Aid Act. The application proposes establishing student learning centers in three branch libraries.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann, Mayor  
Butler, Mayor Pro Tem Love

Noes: None

#### ACQUISITION OF LAND

In response to Councilman Binder's question, City Manager Davidson stated that the City had been acquiring land for about 10 or 12 years to make 10th Street a collector type street, sufficient to handle the traffic now carried by it. He stated there was no plan to go across Lamar into West Austin. In response to Mayor Butler's question, City Manager Davidson stated that the widening was proposed to relieve the congestion brought about primarily by Courthouse expansion and traffic that must move east and west to and from Lamar Boulevard.

Councilman Lebermann moved the Council adopt a resolution authorizing the acquisition of certain land for widening 10th Street:

819 West 10th Street - Elizabeth Jones

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love

Noes: Councilman Binder

#### PUBLIC HEARING SET

Mayor Pro Tem Love moved the Council adopt a resolution setting a public hearing at 7:00 P.M. January 3, 1974, to consider annexation as follows:

Total of 1,145.99 acres of land out of the WILLIAM CANNON LEAGUE and SANTIAGO DEL VALLE GRANT:

- a. Tract 1: 569.00 acres of land out of the William Cannon League and the Santiago del Valle Grant - Circle S Ridge; Resubdivision of Lot 18, Block B, Circle S Ridge, Section One; Resubdivision of Lot 21 and north part of Lot 22, Block B, Circle S Ridge, Section One; Davis and Puryear Addition; R. O. Davis Addition; LaFuente Subdivision; L. I. Powell Subdivision, San Antonio Road Addition; Resubdivision Lots 5, 6, 7, 8, 9, 10 and 11, Block E, and Lots 1 and 7, Block F, San Antonio Road Addition; San Antonio Road Addition, Section 3; Annie E. Shackelford Subdivision and unplatted land; and portions Circle S. Road, East Dittmar Road, Corral Lane, Chaparral Road, Bluff Springs Road, Old Crow Lane, Little Texas Lane and Goodnight Lane. (initiated by City of Austin)
- b. Tract 2: 99.62 acres of land out of the William Cannon League - unplatted land. (initiated by City of Austin)
- c. Tract 3: 50.83 acres of land out of the William Cannon League:
  - (1) 26.25 acres of land - Beaconridge I. (requested by Bryant-Curington, Inc., as agent for the owner, Fawnridge Development Company)
  - (2) 24.58 acres of land - portions of South First Addition Section One, Austin Independent School District tract of of land and unplatted land; and portions of South First Street, Dittmar Road, Mairo Street and Blue Valley Drive. (initiated by City of Austin)
- d. Tract 4: 426.54 acres of land out of the William Cannon League - Damon A., Almeta S. Richter Kuyus Subdivision; Hattie M. Marx Subdivision; a Resubdivision of Lot 1 of a Resubdivision of a portion of ~~ReuAh Nowlin~~ Subdivision; Swanson's Gardens and Wattinger Acres; and portions of South First Street, Slaughter Lane, Peaceful Hill Road, South Congress Avenue, Dittmar Road, Mairo Street and Blue Valley Drive and unplatted land. (initiated by City of Austin)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilmen Binder, Dryden  
Noes: None

#### LICENSE AGREEMENT

Councilman Lebermann moved the Council adopt a resolution granting a license agreement for use of the following:

GEORGE E. ROBINSON, JR. - proposed encroachment of a building across an existing ten (10.00) foot public utilities easement across Lot 8-A, Resubdivision of Lots 6, 6A, 7 and 8, Timberwood. (requested by Billy

F. Priest, as agent for the owners, George E. Robinson, Jr. and wife, Sue Cocke Robinson)

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman  
Noes: None

#### CONTRACTS AWARDED

Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

GENERAL ELECTRIC COMPANY	- 600 H.P. Induction Motor - Item No. 2 -
419 South Main Avenue	1 each @ \$10,907.00
San Antonio, Texas	Item No. 3 - 1 each @ no charge
	\$10,907.00 Total. Bid Invitation #4-0034

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman  
Noes: None  
Present But Not Voting: Councilman Handcox

Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

INTERNATIONAL BUSINESS MACHINES CORP.	- Core Memory Module - \$7,990.00 plus shipping charges. Bid Invitation #4-0282
1609 Shoal Creek Blvd.	
Austin, Texas	

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman  
Noes: None  
Present But Not Voting: Councilman Handcox

Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

SMITH TANK AND EQUIPMENT COMPANY	- One (1) each Truck Mounted Fuel Tank - \$10,271.23. Bid Invitation #3-1850
New Temple Highway	
Waco, Texas	

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem  
Love, Councilmen Binder, Dryden, Friedman  
Noes: None  
Present But Not  
Voting: Councilman Handcox

Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

GULTON RECORDER SYSTEMS	- Oscillographic Strip Chart Recorder
c/o Kemp Engineering	and Related Equipment - \$7,701.00
Company, Inc.	Bid Invitation #4-0144
16420 Addison Road	
Addison, Texas	

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem  
Love, Councilmen Binder, Dryden, Friedman  
Noes: None  
Present But Not  
Voting: Councilman Handcox

Councilman Lebermann moved the Council adopt a resolution awarding the following contract:

ALAMO STEEL AND MACHINE	- Reinforcing Steel for Concrete Tower
COMPANY	Foundations for Circuit 931 -
Rutland Drive	\$5,817.00 Bid Invitation #4-0298
Austin, Texas	

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Binder, Dryden, Friedman  
Noes: None  
Present But Not  
Voting: Councilman Handcox

#### RENEWAL OF LEASE AGREEMENTS

Mayor Butler introduced consideration of renewal of the following lease agreements for the fixed base operators at Municipal Airport:

BROWNING AERIAL SERVICE - Twelve hundred seventy eight (\$1,278.00) dollars plus twenty-seven and 50/100 (\$27.50) dollars for each of twenty (20) T-hanger units for a total of eighteen hundred twenty eight and no/100 (\$1,828.00) dollars per month, payable in advance on or before the tenth day of each month.

RAGSDALE AVIATION, INC. - Fifteen hundred fifty-eight (\$1,558.00) dollars per month plus twenty-seven and 50/100 (\$27.50) dollars for each of fifty (50) T-hangar units for a total of two thousand nine hundred thirty-three (\$2,933.00) dollars per month, payable in advance on or before the tenth day of each month.

City Manager Davidson stated that these contracts had been continued on a month-by-month basis and expressed the view that it would be appropriate to continue on this basis in light of current economic considerations. The Council agreed to renewal of the lease agreements on a month-by-month basis.

#### PUBLIC RIGHT OF WAY APPLICATION

Councilman Dryden moved the Council adopt a resolution approving the application by Texas State Bank to permanently use 2 1/2" of sidewalk area (public right-of-way - 100 block West 9th Street, north side).

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox, Lebermann, Mayor Butler

Noes: None

#### COST DIFFERENCE PAYMENT

Councilman Lebermann moved the Council adopt a resolution authorizing payment of cost difference as follows:

FAWN RIDGE DEVELOPMENT COMPANY, Bill Milburn, President - cost difference of 12"/8" A.C. water main and appurtenances in Vista West III - \$1,492.16.

NORWAL, INC., Jerry N. Wallace, President - cost difference of 12"/8" A.C. water main and appurtenances in Quail Creek West, Phase 2, Section 12 - \$1,485.79.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann, Mayor Pro Tem Love

Noes: None

Present But Not Voting: Mayor Butler

#### SPECIAL SERVICES FUND CONTRACT

Councilman Friedman moved the Council adopt a resolution authorizing the following Special Services Fund Contract:

<u>Agency</u>	<u>Allocation</u>	<u>Contract Term</u>
YOUTH EMERGENCY SERVICES, INC.	\$3,000	January 1, 1974 - December 31, 1974

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilman Binder  
Noes: None

#### PROFESSIONAL CONSULTING SERVICES

Councilman Friedman moved the Council select TRACOR, INC., of Austin, as the Professional Consulting Services in connection with the following project for the Health & Environmental Resources Management Department:

Noise Control Survey & Report  
City of Austin and Environs  
C.E. Project Number 476

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilmen Binder, Dryden  
Noes: None

#### RENEWAL OF TAXICAB FRANCHISES

Mr. Joe Ternus, Director of Traffic and Transportation, recommended that the franchises be renewed for an additional year with the specified number of permits. In response to Councilman Binder's question, Mr. Ternus stated that no company had requested more permits than those which were recommended.

Mayor Pro Tem Love moved the Council adopt a resolution to consider renewal of the taxicab franchises for each of the following taxicab companies for one year with the number of permits indicated:

<u>COMPANY NAME</u>	<u>NUMBER PERMITS</u>
Airline Cab Company	1
Harlem Cab Company	38
Roy's Taxi Service	30
Yellow/Checker Cab Company	60

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Mayor Pro  
Tem Love, Councilmen Binder, Dryden, Friedman  
Noes: None

#### SOUTH TEXAS PROJECT JOINT PARTICIPATION AGREEMENT

Councilman Lebermann moved the Council adopt a resolution approving the South Texas Project Joint Participation Agreement.



The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Binder, Dryden, Friedman, Handcox

Noes: None

**RATIFICATION OF ACCOUNTS PAYABLE  
TO SOUTH TEXAS PROJECT**

Mayor Pro Tem Love moved the Council adopt a resolution ratifying accounts payable to the South Texas Project for the City of Austin's share of costs incurred to date. (\$1,630,061.83)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,  
Friedman, Handcox, Lebermann

Noes: None

**CONSIDERATION OF DATE TO  
RECEIVE BIDS ON BONDS**

The Council had before it for consideration setting January 24, 1974, at 10:30 A.M., Central Time, to receive bids on the following bonds: (subject to Central Daylight Time)

Electric, Light and Power, Water Works and Sewer System Bonds

Electric, authorized 9-9-72	\$6,700,000
Water Works, authorized 9-9-72	5,200,000
Sewer System, authorized 3-28-70	3,100,000
	<u>\$15,000,000</u>

General Obligation Tax Bonds

Street improvements, authorized 3-28-70	\$ 700,000
Hospital, authorized 3-28-70	3,000,000
Library, authorized 9-9-72	1,000,000
Parks and Recreation, authorized 3-28-70	400,000
Parks and Recreation, authorized 9-9-72	100,000
Police, authorized 9-9-72	800,000
	<u>\$ 6,000,000</u>

The Mayor presented for the City Council's consideration a resolution authorizing the giving of notice of public sale of revenue bonds and general obligation bonds of the City. The resolution was read in full by the City Clerk. Thereupon, Mayor Pro Tem Love moved that the resolution be passed and adopted. The motion was seconded by Councilman Friedman and the motion, carrying with it the passage and adoption of the resolution, was carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Dryden, Binder,  
Lebermann, Friedman, Handcox

Noes: None

The Mayor announced that the resolution had been passed and adopted.

## CONTRACT WITH AUSTIN AMBULANCE COMPANY

In response to Councilman Friedman's question, City Manager Davidson expressed the view that a one-year contract with a one-year option would not be feasible in that equipment could not be amortized for that short a period of time. In response to Councilman Friedman's question, Mr. Joe Ternus, Director of Traffic and Transportation, stated that the two-year contract would allow cancellation only for cause.

City Manager Davidson reported that he and Mr. Ternus had met with several doctors who previously had appeared before the Council and would continue to seek their assistance for improving the service for citizens. He also reported that their assistance had been sought to develop a plan for emergency medical service for five years in the future.

In response to Councilman Binder's question, City Manager Davidson stated that upon inspection without notice to the company on three occasions in the past 4 months by Traffic and Transportation, the equipment utilized met all the standards within the contract and those required by the State Board of Health. In response to City Manager Davidson's question, Mr. Ternus stated that any equipment not meeting the standards can be replaced, that higher standards can be set than those in the present contract, and that better and/or additional vehicles and vehicular equipment can be required.

Motion

Mayor Pro Tem Love moved the Council adopt a resolution approving a two year contract with Austin Ambulance Company for provision of emergency ambulance service for the City of Austin.

Mayor Butler noted that Mr. Hill, who had appeared at a previous meeting and had wished to comment, had been advised that this was the appropriate time to be heard, Mr. Hill was not present at this time.

Councilman Dryden expressed the desire that the Council give Austin Ambulance a vote of confidence through this contract. He believed the firm had held up on the ordering of equipment through uncertainty as to whether the contract would be awarded. He assured the Council that the Travis County Medical Society Heart Association and other individuals would aid in training personnel.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,  
Mayor Butler, Mayor Pro Tem Love

Noes: None

## EASEMENT RELEASED

Mayor Pro Tem Love moved the Council adopt a resolution authorizing release of the following easement:

A portion of closed storm sewer easement described in Volume 442  
at Page 212 of the Deed Records of Travis County, Texas - being

that portion of the easement which crosses the J. S. WOODWARD et ux property. Said easement extends westerly from FRUTH STREET to the east line of Frank G. Bryant property. (requested by Martin Boozer, Attorney for J. S. Woodard, owner)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Butler, Mayor Pro Tem Love, Councilman Binder

Noes: None

#### LANDMARKS OF AUSTIN

Mr. Michael Smith, representing Save Austin's Valuable Environment, requested that the Council produce a historical zoning ordinance which would have saved Hunnicutt House from imminent destruction, before any more houses were destroyed.

Councilman Lebermann reported that he had been advised by the Chairman of the Planning Commission that an ordinance has been written and would be conveyed to the Council. He reported that in the interim there had been about six meetings in his office to achieve the broad based consensus requisite to the passage of such an ordinance.

Councilman Binder noted that approximately two weeks earlier the Council passed a resolution which asked that Hunnicutt House not be torn down until after the historic zoning ordinance came before the Council.

Mr. Dick Lillie, Planning Director, reported on the status of the ordinance. The Planning Commission had their public hearing the 2nd Tuesday of December, and they voted 6:1 to forward the ordinance on to the Council. A few amendments were added to it, and the corrected copy is to be sent back to the Commission for review before they make final approval. If approved, it will be submitted to the Council by the end of the year.

In response to Mayor Pro Tem Love's question, City Manager Davidson reported that in response to the Council resolution concerning Hunnicutt House which response was received by the Council last week, the church had chosen not to relinquish the demolition permit but they would work with anyone who had a proposal to save the house. City Attorney Don Butler doubted that the proposed zoning ordinance, if passed six months earlier, would have affected the house.

He doubted that an ordinance could be passed constitutionally which would allow choosing on a spot basis houses that cannot be demolished, and he expressed the undesirability of amending the Texas or Federal constitution to permit taking of property without due process. Councilman Lebermann noted that there are vehicles by which individual structures can be saved, such as a rotating fund with low interest, which City Attorney Butler added would require compensation to the property owner.

Mayor Butler stated that perhaps the consideration of the historic district zoning ordinance should have been started earlier, but he elaborated on the Council's diligent efforts, though unsuccessful, to preserve Houghton House.

## ENERGY CONSERVATION

Mr. Smith also requested that the Council adopt an ordinance to turn off lighted signs for advertisement. Mayor Butler responded that he expected adoption soon of an overall program for conserving energy; a citizen's Conservation Committee was currently working on such a program. Councilman Binder noted that the City was not turning on its Christmas signs this year as an example. Mayor Butler added that there was also only the barest minimum security lighting required for safety on all City buildings.

In response to Mr. Smith's question, Mayor Butler stated that calls had been made to businesses and individuals with outdoor lighting, and these had resulted in some temporary success the past summer.

In response to Mayor Pro Tem Love's question concerning Ebasco, City Manager Davidson replied that it would be approximately six weeks before the Energy Conservation Committee appointed by the Council would probably make recommendations based upon information provided by the Electric Utility Department.

Dr. Barry Kitto reported on the energy conservation plans being formulated by the Energy Conservation Committee, which include considerations of interior and exterior decorative and display lighting. He expected recommendations to the Council by the following week. Dr. Kitto further agreed with Councilman Handcox's comment that industries other than advertising should be studied, and he concluded that the plans under consideration involved more than curtailing billboard lighting.

## SHUTTLEBUS ROUTE REVISION

Mr. Joseph F. Pinnelli, Assistant to the Vice-President for Shuttle Bus Operations, University of Texas, requested approval of a minor route revision on the South Riverside Route and approval of three additional bus stops. He referred to two maps which showed the present route and the proposed route, which would require a traffic signal at Royal Crest and Riverside.

In response to Councilman Handcox's question, Mr. Pinnelli indicated that the traffic signal required to facilitate a left turn from Royal Crest onto Riverside would be primarily for the benefit of bus traffic, though use of the shuttle bus reduces the volume of other vehicular traffic in the area. There was discussion among Mayor Pro Tem Love, Councilman Binder, and Mr. Pinnelli concerning a stop which had been eliminated at Royal Crest and Woodland because of students waiting in the yard of Mr. W. P. Heffly.

In response to Councilman Friedman's question, Mr. Pinnelli further stated that a route change was contingent on a traffic signal at Royal Crest and Riverside. He responded to Councilman Lebermann's question that this action would increase bus ridership.

City Manager Davidson suggested postponement until the next meeting and called upon Mr. Ternus to propose an alternative. Mr. Ternus proposed that the route be reversed. Instead of Mr. Pinnelli's proposed counter-clockwise route, Mr. Ternus suggested a clockwise route making a right turn at Royal Crest and Riverside. In response to Mayor Pro Tem Love's question, Mr. Pinnelli stated that this reversal would deny access to many students living on the west side of the Interregional.

Mr. Ternus suggested the clockwise route with an additional small loop on west Interregional. Mr. Pinnelli expressed the desire to give a semester's notice if this change were to be made. He stated that if his original proposal were not accepted, he would prefer to postpone a decision.

#### Motion

Mayor Pro Tem Love moved the Council instruct the City Manager to return with the recommendations of Mr. Ternus two weeks later.

Mr. Austin Dower, a resident in River Hills, expressed his view that a light was needed at Royal Crest and Riverside, a dangerous intersection for turning left on to Riverside.

In response to Councilman Friedman's suggestion, Mayor Pro Tem Love amended the motion to include a report and input from the community concerning the traffic light at Royal Crest and Riverside.

The motion, seconded by Councilman Lebermann, carried by the following vote

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Binder, Dryden, Friedman

Noes: None

#### REPORT ON AUSTIN-TRAVIS COUNTY MH-MR CENTER

Mr. David Williams, Deputy Director, Human Development Center - South, presented the Council with a quarterly report on the Austin-Travis County Mental Health-Mental Retardation Center. First, he reported on the activities of the Center. The Center helps people with problems they want resolved to set goals, learn skills, and solve their problems, particularly problems of adults' or children's mental health, mental retardation, drug abuse, and alcoholism. Various kinds of counseling, medication, and therapy are employed at 16 different locations including five Human Development Centers and in-house services to people in 11 special units. In 1973-74 the Center will deliver 587,000 client hours of service to 7,300 persons. The Center also initiates a number of different preventive services involved with day care centers, public school teachers and administrators, parent groups, and human relations and communications training in business and industry. In 1973-74, the Center will deliver 24,000 of these preventive services to about 5,000 people.

Second, he reported on efficiency. The Center's average unit cost is \$19.95 per hour for an outpatient hour of counseling, compared to a mean cost of \$31.00 an hour for similar services for the 24 other Centers in the State of Texas. In terms of impact on the local economy, he reported that the mental health related drain on the local economy was in excess of \$50,000,000 per year, and that in the alcohol and drug abuse areas alone, accounting for 17% of the total case load, a minimum of \$3,000,000 would be returned to the economy.

Third, he reported on effectiveness. The number and percentage of Travis County residents going to a state school or state hospital is decreasing yearly; the length of stays is decreasing. The number of persons served has risen from about 4,800 in 1970 to about 6,900 in the year just past, with an anticipated

7,400 for the year to come. Those served come from all County Commissioner Precincts. A random sampling of 1,100 clients with a 30% return found that 90% would return for more service if they had another problem, 90% would refer a friend, and 90% were satisfied or very satisfied with the services received.

Fourth, he reported on problems encountered. These include neighborhood reaction to the detoxification and partial care unit in some portions of South Austin; recidivism in the chronic alcohol population, appeals from people who have left State hospitals and State schools against medical advice, a lack of treatment containment facilities, a shortage of minority group professionals, instability of Federal and State funding, a shortage of funds (\$225,000 required) for conducting program evaluation, unpopularity of some actions requested by regulatory agencies, and a lack of credibility for the Center and its services.

#### TROLLEY TRANSPORTATION

Mr. David Graeber, East 6th Street Association, appeared to discuss trolley transportation within the inter city. He requested that the transportation plan being prepared to spell out how CIP funds are to be used include a study of a trolley loop system looping the downtown and tying out to Interstate 35. He presented a drawing which delineated a possible trolley route, and suggested a loop system could be built with 4 trolleys.

Councilman Lebermann suggested that the Council ask the Manager to have the appropriate department, committees, and commissions review Mr. Graeber's suggestions and recommendations and return with a study. In response to Mayor Pro Tem Love's question, Mr. Graeber stated that the cost per trolley would be about \$20,000, and that it would cost approximately \$40 a lineal foot to lay steel track and put in overhead lines; the construction of the route proposed would cost approximately \$380,000. In response to Mayor Pro Tem Love's question, he further responded that the trolleys are single track Brill trolleys similar to those in San Francisco. He further replied that there was no assurance that the four trolleys would be available in 6 or 8 months.

Mr. Ternus stated that a study of the trolley system could probably be done in 3 months. The more extensive transportation planning study would take approximately 9 or 10 months.

Mayor Pro Tem Love requested that Mr. Ternus explore the possibility of putting a hold on four trolleys without it costing any money. The Council agreed to Councilman Lebermann's suggestion to refer Mr. Graeber's proposal for consideration by the appropriate agencies.

#### PLANS FOR FREE PUBLIC BALLET THEATRE PERFORMANCES AND DEMONSTRATIONS AND SOLICITATION OF FUNDS

Mr. David Larson, President of the Austin Ballet Theatre, outlined plans for public performances and demonstrations in 1974. He stated the performance and education objectives of the organization. Thirteen performances will be presented between October of 1973 and June of 1974 in Austin and other Texas cities. In response to Mayor Butler's question, he stated that 9 of the 13 would be performed in Austin.

Mr. Larson directed the Council's attention to a letter from Miss Lindeman, Coordinator of the Community Participation Program of the Austin Independent School District, which cited the cultural enrichment provided to its students through demonstrations and performances and asked for support to continue this service to students. Mr. Larson stated that two free performances will be given in June in Zilker Park and there will also be a free spring performance. He referred to the costs of the free performances and asked the Council to consider assisting with those costs. In response to Mayor Butler's question, he indicated that Sleeping Beauty and Cinderella would be performed. In response to Councilman Binder's question, he stated that the \$2,000 outlined would be primarily keyed to those two ballets.

Discussion ensued among Mayor Butler, Councilman Handcox, and Councilman Friedman as to whether this request when presented in the budgetary hearings for \$1,000 had been granted or denied on the basis of duplication with the Austin Civic Ballet.

Councilman Friedman reported that since the budget hearings he had met with coordinators of the Austin Theatre Ballet and discovered that there was very little overlap, if any, with the Civic Ballet. He expressed his support for the project and a request for a report on how the funds might be obtained.

City Attorney Don Butler pointed out, as Councilman Lebermann had suggested, that it would require an amendment to the budget ordinance because of Constitutional provisions that the public must be assured of services performed for receipt of funds. In response to Mayor Butler's question, he stated that the schools were not helping financially and the School Board had not been requested for funds. Councilman Lebermann suggested it would be worthwhile to seek their aid.

Mayor Butler concluded that it was the consensus of the Council to follow Councilman Friedman's suggestion to have the Manager report at the next meeting, which Mayor Pro Tem Love pointed out would be in two weeks.

#### REQUEST FOR FUNDS FOR ARC PROBATION SERVICES

Ms. Mildred Robid, Member of Advisory Board, Austin Rehabilitation Center, requested funds for the 410 Project. In response to Councilman Lebermann's question, she stated that the County in its recent budgetary hearings had granted \$41,500 for the project.

Mayor Butler expressed his reservations about receiving requests for additional funds throughout the year after the time spent on them in previous budget hearings and special meetings. Councilman Lebermann agreed but noted in this case that the requesting agency had gone to the County for funds as suggested by the Council, had been successful, and reduced the request accordingly, from \$42,000 to \$28,000.

Mayor Butler noted that the Council had once appropriated an \$18,000 emergency one-time grant to the group. City Attorney Don Butler referred to the state statute which specifies that the budget shall not be amended except for things which could not have been anticipated with "reasonable foreseeability."

In response to Councilman Dryden's question, Mayor Butler stated that all of the revenue sharing funds had already been appropriated. City Manager Davidson noted that some revenue sharing money had been put aside for capital improvements, although it was not intended for this kind of appropriation.

In response to Mayor Butler's question, Ms. Robid replied that \$28,022.30 was requested for the 1974 calendar year. Mayor Pro Tem Love suggested that two weeks later the City Manager report on whether the funds are practically available.

#### REQUEST TO REINSTATE ZONING CASE

Mr. Mike Gilmore, representing Mr. Sterling Sasser, Sr., appeared to request reinstatement of Zoning Case #C14-71-204 (postponed from December 13, 1973). He reported that he and Mr. Sasser were representing Olga McCrae and two children, and that the property was Lot 29, Block D, Section 1 of the Brook Hollow Addition, located at 1015 West Anderson Lane. He requested acceptance of an L-shaped piece of property, 15' in width on the Anderson frontage and 5' in width on the Watson Street frontage. This property was the subject of a zoning application approved by the Council on October 7, 1971; the ordinance was passed on September 7, 1972, with the exception of this property, pending the fulfillment of the L-shaped dedication; on May 10, 1973, this application was dismissed for failure to meet that requirement. In response to Councilman Friedman's question as to why they had waited until now since May 10, Mr. Gilmore replied that he had been representing Ms. McCrae only since October, 1973.

In response to Mayor Butler's question, Mr. Gilmore objected to the expense involved in starting over through the normal channels. He further replied that the zoning application was from "A" Residence 1st Height and Area to "C" Commercial 1st Height and Area, which was the zoning granted to the other four lots in the parcel, and that the property was completely surrounded by "C" Commercial zoning. In response to Mayor Butler's question, Mr. Dick Lillie replied that his staff had recommended the zoning change.

Mayor Butler pointed out that the request for reinstatement was in effect a request for granting the change because the requirements will be complied with. Mayor Butler stated that he did not believe the Council had the necessary back-up material to consider the zoning change at this time. Mr. Lillie responded that the material could be provided to the Council at the next meeting.

There was some discussion among the Council as to the commercial zoning of the surrounding properties. Mr. Lillie stated that there was no opposition to the zoning change.

#### Motion

Councilman Binder moved the Council reinstate Zoning Case C14-71-204. The motion was seconded by Councilman Friedman.

#### Substitute Motion

Mayor Pro Tem Love moved the Council adopt a substitute motion that the case be delayed for two weeks and brought back for consideration with the appropriate back-up materials. The substitute motion, seconded by Councilman Dryden, failed to carry by the following vote:

Ayes: Councilman Dryden, Mayor Butler, Mayor Pro Tem Love

Noes: Councilmen Binder, Friedman, Handcox, Lebermann



The Council then discussed further the present zoning of the surrounding property. In response to Councilman Dryden's question if there would be a 6' fence between this development and the residential "A" area, Mr. Lillie reported that his Commission's recommendation did not mention a fence.

Amended Motion

Councilman Binder amended the original motion to include recommendation of a fence.

The original motion, as amended, and seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilman Binder

Noes: None

PEOPLE'S FREE MARKET ON 23RD STREET

Mr. Phil Baerreis appeared to discuss situations which have developed in the People's Free Market on 23rd Street. He cited the problem of limited space, stating that too many licenses had been sold by the City for the space available. He also stated that importer groups had placed the crafts sellers at a competitive disadvantage. He requested that some specific time should be set, 6:00 A.M. preferably over 2:00 A.M. for when sellers could set up.

Mr. Baerreis then requested opening up additional space for three remaining selling days during the Christmas season. Assistant City Attorney Harris responded that there would have to be a public hearing to amend the ordinance if more market space were to be opened up. In response to Mayor Pro Tem Love's question, City Manager Davidson suggested that the vendors might consider leasing some privately owned property for the additional business. He further noted that the Council had previously granted additional space on the understanding that the licensees would work out their problems on a cooperative basis.

Mr. Harris commented that the Street Vendor Committee had previously rejected the idea of not opening the market until about 8:00 A.M. and had rejected the idea of attempting to delineate between handmade goods and factory, imported goods.

Mayor Pro Tem Love pointed out that nothing could be done for the next three selling days but longrange solutions could be examined.

Councilman Binder suggested giving local craftspeople first priority over importers. Mr. Baerreis responded positively to Councilman Friedman's suggestion that the vendors informally get their ideas together and discuss them with various Council members and the City Manager to lay groundwork before returning with the matter before the full Council.

REQUEST FOR HEARINGS ON TAXICAB FARES ORDINANCE

Mr. Forrest Troutman, Attorney for Yellow/Checker Cab Company of Austin, requested a public hearing on an amendment to the taxicab ordinance, seeking a rate increase.

Councilman Lebermann moved the Council set a public hearing to seek an increase in taxicab rates on January 10 at 7:00 P.M.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Councilman Binder  
Noes: None  
Out of Room at  
Roll Call: Mayor Pro Tem Love, Councilman Dryden

#### PURCHASE OF PARK LAND

Mrs. Jo Ann Barts, Co-Chairman of the University Hills homeowners, discussed the planned purchase by the City of approximately 16 acres of land in University Hills for a city park. She stated that she did not feel that the land purchase at present fulfilled the intent of their law suit that the land be protected as park land forever. The judgment entered by Judge Herman Jones on November 29 did not preclude any other future owners from a different use of the land. In response to her question, Councilman Lebermann stated that dedication of the land as park would be automatic since park money was used for the purchase. He further stated that public referendum is required for it ever then to be sold. Mrs. Barts expressed her concern that the land still retains a "GR" General Retail or "LR" Local Retail zoning status.

She reported that the University Hills homeowners request that the Council take action in the form of two resolutions which commit the City to the following action:

- (1) Area in University Hills that is to be purchased by the City is officially dedicated as a City park upon acquisition of the land
- (2) The existing zoning of "GR" General Retail and "LR" Local Retail on this land will be removed and a zoning of "A" Residence or "AA" Residence will be placed on the entire land that is to be purchased, such zoning change to be accomplished upon acquisition of the land by the City.

They further requested that the Council's decision on these proposed resolutions be given in writing no later than December 27, and if either item is refused, that the reason for the Council's refusal be included in the written notice to be submitted no later than December 27, 1973.

In response to Mayor Pro Tem Love, City Attorney Don Butler stated that if the land is acquired with park bond funds or formally designated as park, or used as park, it then cannot be conveyed without a referendum. It would require a public hearing to divert it to some other usage. The zoning was irrelevant, because as parks property, it could be used only as that.

#### Motion

Councilman Friedman moved that upon completion of the transaction, when the City owns the property, the administration proceed through proper zoning channels

to apply for a zone change from "GR" General Retail to "A" Residence and that at that time the Council pass a resolution declaring this a public dedicated park.

Councilman Friedman stated that he would have a letter sent from him as Councilman to Mrs. Barts' law firm.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Binder, Dryden, Friedman  
Noes: None

#### REFUND CONTRACT - FINAL PASSAGE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH PAWN RIDGE DEVELOPMENT CORPORATION, THREE D DEVELOPING COMPANY, AND AUSTEX DEVELOPMENT COMPANY, LTD.; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro  
Tem Love, Councilmen Dryden, Handcox  
Noes: Councilman Binder  
Out of Room at  
Roll Call: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

#### REFUND CONTRACT - FIRST READING

Mayor Butler brought up the following ordinance for its first reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH NORWAL, INCORPORATED.

The ordinance was read the first time and Mayor Pro Tem Love moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Handcox, Lebermann  
Noes: Councilman Binder  
Present But Not  
Voting: Mayor Butler  
Out of Room at  
Roll Call: Councilman Friedman

## SPEED LIMITS FOR TRAINS ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 27-11 OF CHAPTER 27 OF THE CODE OF THE CITY OF AUSTIN, 1967, LOWERING THE MAXIMUM SPEED BETWEEN CERTAIN DESIGNATED POINTS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden,  
Handcox, Lebermann, Mayor Butler  
Noes: None  
Out of Room at  
Roll Call: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

## CIP APPROPRIATION ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 730802-E CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR OCTOBER 1, 1973 THROUGH SEPTEMBER 30, 1974, PROVIDING APPROPRIATIONS FOR ADDITIONAL CAPITAL IMPROVEMENT PROJECT: AND DECLARING AN EMERGENCY.

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,  
Mayor Butler, Mayor Pro Tem Love  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## CEMETERY ORDINANCE AMENDMENT

Mayor Butler introduced the following ordinance:

AN ORDINANCE CORRECTING CERTAIN CEMETERY SPACE CHARGES PREVIOUSLY SET OUT IN ORDINANCE NO. 721221-F; SETTING FORTH PRICES FOR CERTAIN BURIAL SPACES IN CITY CEMETERIES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Handcox moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilman Binder  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 1, BANNISTER BEND, LOCALLY KNOWN AS 1100-1126 BEN WHITE BOULEVARD AND 4003-4017 BANNISTER LANE, FROM "A" RESIDENCE DISTRICT AND "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilmen Binder, Dryden  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 1, BUCK INDUSTRIAL PARK, LOCALLY KNOWN AS 800-804 SHELBY LANE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilmen Binder, Dryden  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 1 OF THE CROSS ROADS SUBDIVISION, LOCALLY KNOWN AS THE NORTHWEST CORNER OF NORTH BLUFF DRIVE AND NUCKOLS CROSSING ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilmen Binder, Dryden  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### AMENDMENT TO ELECTRIC UTILITY RATE ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NOS. 590910-F, 641210-H, 650909-F, 700129-D AND 700129-E BY PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE ELECTRIC LIGHT AND POWER WORKS AND SYSTEM OF THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mrs. Shudy Fath asked for a single flat rate per kilowatt hour of electricity. She stated that the City rate structure was unjust, rewarding large users and penalizing residential users. She stated that most people were making efforts to reduce residential electrical consumption, and a flat rate would encourage greater reductions in commercial consumption. She recognized that an overall 17.8% increase in rates must be enacted before 1974 to maintain the City's triple A utility bond rating, but she called on the Council to consider the Energy Study Commission's recommendation for a flat rate. She expressed her concern that City tax money was paid to Ebasco Corporation of New York as an outside firm to study City problems and cited the free service of Austin citizens in the Energy Study Commission.

Mayor Butler responded that the 4:3 vote at the past Council meeting had been on the manner in which the 17.8% was to be applied, not on the 17.8% increase itself, and that Ebasco was paid with money from the electric fund. He pointed out

that the proposal before the Council concerned the 17.8% increase, and not the flat rate issue which would be before the Council when they received the Ebasco report. In response to Councilman Binder's question, Mayor Pro Tem Love indicated that Ebasco would report about February 1. In response to Mrs. Fath's question, Mayor Butler responded there would be public hearings at that time.

#### Motion

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion was seconded by Councilman Dryden.

Mr. Arnold Lopez Ceparo, representing the South Austin Democrats, presented a petition signed at their monthly meeting the previous night which supported the 3 mil for kilowatt hour across the board increase in rates, which yields the 17.8% increase. He stated that a 17.8% increase within the current rate structure would result in the small residential and small commercial user paying 3 to 4 times the cost per unit of energy that the large industrial user would pay. The 3 mil raise would bring the rate structure closer to parity.

Mrs. Grace Epstein, representing the Travis County Democratic Women's Committee, spoke against the fairness of a 17.8% increase across the board, and she recommended the 3 mil addition to the rate to lessen the difference between what the large user and small user pay.

#### Substitute Motion

Councilman Friedman moved a substitute motion that the 17.8% rate increase to become effective January 1, 1974, be obtained by 3 mil increase per kilowatt hour on all users with the distribution devised by the administration so that the commercial users would pay twice as much of an increase as residential users.

The substitute motion, seconded by Councilman Binder, failed to carry by the following vote:

Ayes: Councilmen Binder, Friedman

Noes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Dryden, Handcox

#### Original Motion

The original motion, seconded by Councilman Dryden, received the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Dryden, Lebermann

Noes: Councilmen Binder, Friedman, Handcox

City Attorney Don Butler stated that the 4:3 vote passed the ordinance through the first reading only; five votes were required to make it a functional ordinance by the first of January.

In response to Councilman Lebermann's question on the impact this would have on the bond situation, Mayor Butler asked that the following letter addressed to Norman Barker, Finance Administrator, City of Austin be read into the record:

"Thanks for the material concerning the recent bond election. I assume a delegation from the City will be seeing us on the morning of January 7, 1974. I must emphasize again, with reference to the utility revenue bonds that we expect to see an across the board rate increase of at least 10% effective January 1, 1974. I cannot overemphasize the importance we will attach to this development. Signed Hyman C. Grossman, Vice-President, Municipal Department. Standard and Poor's Corporation."

In response to Mayor Pro Tem Love's question, Councilman Handcox stated that he would reconsider his vote in light of bond rating information

Reconsideration of Motion

Mayor Pro Tem Love moved to reconsider the original motion. The motion to reconsider, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Handcox, Lebermann,  
Mayor Butler

Noes: Councilmen Binder, Friedman

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Handcox, Lebermann,  
Mayor Butler

Noes: Councilmen Binder, Friedman

The Mayor announced that the ordinance had been finally passed.

AN APPROACH MAIN CHARGE FOR EXTENDING WATER SERVICE  
OUTSIDE THE CITY LIMITS

In response to Councilman Lebermann's question, City Manager Davidson stated that the ordinance to levy an approach main charge for the extension of water service outside the city limits was in accordance with the input and review during previous hearings and discussions. He stated that the original proposal was \$21 per 1,000 per residential unit and the proposal before the Council was \$11.50.

Mr. Homer Reed stated that the original calculations were based on a selected few typical projects, while the new figure was based upon all of the construction projects of a similar size line undertaken by the City since 1971. He stated that the Home Builders Association had some evidence that the previous calculations had been based upon high priced projects.

Councilman Lebermann asked to delay for a week.

Mayor Butler noted the Council's support for postponing until January 10.

SPEED ZONES ORDINANCE

Mayor Butler introduced the following ordinance:



AN ORDINANCE AMENDING SECTIONS 21-41 AND 21-42 OF THE CODE OF THE CITY OF AUSTIN OF 1967; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Friedman moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,  
Mayor Butler, Mayor Pro Tem Love

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### REPORT ON BULLCREEK BASIN WASTEWATER INTERCEPTOR

City Manager Davidson called upon Mr. Curtis Johnson to report on the design and location of the wastewater interceptor to serve the Bull Creek drainage basin. Mr. Johnson noted that this item had been discussed several times by the Council approximately a year and a half earlier and that the firm of Freese and Nichols had been employed to explore alternatives in selecting a site.

Mr. Albert Ulrich, representing the firm of Freese and Nichols, presented a summation of their report, along with a presentation of slides. Four proposed routes (A, B, C, and D) were described.

In response to Councilman Dryden's question, Mr. Ulrich stated that both tunnel routes B and C would require auxiliary receptors. In response to City Manager Davidson's question, he responded that tunnel routes B and C would do similar harm to the landscape as routes A and D.

Mr. Stuart Henry, of the Environmental Quality Board, reported that in the Board's meeting on December 4, they recommended Route D and further recommended that a special study be conducted in the Bull Creek watershed to consider all of the implications of the natural environment on development and vice versa, development on the natural environment. In response to Councilman Friedman's question, Mr. Henry affirmed that the Board took into consideration the necessity for environmental improvement after the construction which City Manager Davidson added was already considered to be a Council directive regardless of route taken. City Manager Davidson suggested postponement until the first January meeting.

#### Motion

Councilman Dryden moved the Council accept the proposal of Route D as presented, and adopt a resolution extending existing Engineering Services Agreement between the City of Austin and Freese and Nichols Consulting Engineers for the proposed Bull Creek wastewater interceptor from F.M. 2222 northerly to Spicewood Springs Road - Capital Improvements Program Project No. 5031 1.

Mr. Dempsey Aifin commended the committee that conducted the study, thanked them for the work done, and requested a way of providing input in working out details. He responded favorably to Councilman Friedman's and Mayor Butler's suggestions that the Council give the engineering services agreement to the

engineers now and that they give him opportunity to provide input before reporting back with a working plan.

Mr. Morris Beachy, from the same residence area, expressed his reservations about Route D, on environmental grounds. Mayor Butler noted that the nature of Councilman Dryden's motion was for the engineers to work out details, and as Councilman Friedman noted, the motion was not a motion to approve the project.

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann,  
Mayor Butler, Councilman Binder  
Noes: None  
Out of Room at  
Roll Call: Mayor Pro Tem Love

Councilman Dryden expressed the desire that the Council go on record that the contractor be implored not to pour rock and debris into the creek bed in a reckless manner. Mr. Johnson responded with his support.

#### CANCELLATION OF COUNCIL MEETING

Councilman Friedman moved the Council cancel the Regular Council Meeting scheduled for December 27, 1973. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler,  
Councilmen Binder, Dryden, Friedman  
Noes: None  
Out of Room at  
Roll Call: Mayor Pro Tem Love

#### ENERGY CONSERVATION COMMITTEE REPORT

Dr. Robert Kitto presented the report of the Energy Conservation Committee. The Committee recommends that the City prepare suitable commendation for First Federal Savings of Austin for their activities regarding energy conservation, and urge that other banking institutions take similar initiative. (referring to interest-free and low-interest loans for installment of insulation)

The Energy Conservation Committee unanimously supported Councilman Friedman's resolution for a Council-appointed Energy Conservation Committee and a full-time paid professional staff, and would like to see the citizens' committee composed of broad-base, which includes some representation of the existing committee as well as other citizen groups and professional organizations.

The Committee further recommended the appointment of a full-time Director, a full-time Research Assistant, and a full-time Secretary, with the size of the committee at the discretion of the Council although there was general support for the size of 15 to 20 persons with an executive committee appointed from them to coordinate matters.

Dr. Kitto responded positively to Councilman Friedman's suggestion that he return possibly to the January 10 Council meeting, after examining the preliminary drafting of the newly formed commission and executive board at a recent meeting with representatives from various organizations and comparing it to the Energy Conservation Committee recommendations.

In response to Councilman Lebermann's question, Councilman Friedman stated that he would ask the City Manager to be placed on the agenda for January 3rd to discuss the recommendations. Dr. Kitto expressed his desire for the Committee to meet with members of the Council individually to discuss expanding the Committee. In response to Mayor Butler's question, he stated that the Committee has 18 members including ex-officio members from the City staff, and that at the meetings attendance had averaged around 12 members who had been actively working.

Councilman Friedman moved that the Council accept the report with thanks and that they use it for further discussion in the coming weeks.

## ADJOURNMENT

The Council then adjourned.

APPROVED:

*Ray Butler*  
Mayor

ATTEST:

*Grace Monice*  
City Clerk